

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**SIXTEENTH LEGISLATIVE DAY  
TUESDAY, JANUARY 22, 2008**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Eskridge, Ruchti. Total – 2.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Blaise MacPherson, Page.

### Approval of Journal

January 22, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

January 22, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 375**, **H 376**, **H 377**, and **H 378**.

CLARK, Chairman

**H 375**, **H 376**, **H 377**, and **H 378** were referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

### HOUSE BILL NO. 379 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE PRACTICE OF PUBLIC ACCOUNTING; AMENDING SECTION 54-204, IDAHO CODE, TO CORRECT A CODE REFERENCE; AMENDING SECTION 54-206, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXAMINATION TO BECOME A CERTIFIED PUBLIC ACCOUNTANT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-209, IDAHO CODE, TO REQUIRE EXPERIENCE FOR LICENSURE TO BE VERIFIED BY AN ACTIVE LICENSEE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-210, IDAHO CODE, TO REVISE QUALIFICATIONS FOR A RECIPROCAL LICENSE; AMENDING SECTION 54-211, IDAHO CODE, TO REVISE A RETIREMENT AGE; AMENDING SECTION 54-212, IDAHO CODE, TO DELETE THE FEE FOR NOTIFICATION THAT A PUBLIC ACCOUNTANT LICENSED IN ANOTHER STATE INTENDS TO PROVIDE ACCOUNTING SERVICES IN IDAHO; AMENDING SECTION 54-213, IDAHO CODE, TO REVISE THE GRANDFATHER CLAUSE; AMENDING SECTION 54-214, IDAHO CODE, TO REVISE CONFIDENTIALITY OF CLIENT RECORDS; AND AMENDING SECTION 54-227, IDAHO CODE, TO DELETE CERTAIN NOTIFICATIONS AND A FEE AND TO REVISE PROVISIONS LIMITING THE PROVISION OF PUBLIC ACCOUNTING SERVICES BY PUBLIC ACCOUNTANTS LICENSED IN OTHER STATES.

### HOUSE BILL NO. 380 BY BUSINESS COMMITTEE AN ACT

RELATING TO PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 50-1303, IDAHO CODE, TO PROVIDE FOR REVISED MONUMENT REQUIREMENTS FOR CENTERLINE INTERSECTIONS, POINTS WHERE THE CENTERLINE CHANGES DIRECTION, POINTS, WITNESS CORNERS, REFERENCE MONUMENTS AND BLOCK CORNERS, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1201, IDAHO CODE, TO PROVIDE THAT, UNLESS EXEMPTED BY IDAHO CODE, A LAND SURVEYOR MUST BECOME DULY LICENSED AS A PROFESSIONAL LAND SURVEYOR BY THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS TO BE ALLOWED TO PRACTICE PROFESSIONAL LAND SURVEYING AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1203, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1204, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1208, IDAHO CODE, TO REMOVE THE POWER OF THE BOARD TO ADOPT AND AMEND BYLAWS, TO PROVIDE THE BOARD THE POWER TO ADOPT AND AMEND ADMINISTRATIVE RULES, TO CLARIFY CONTINUING EDUCATION REQUIREMENTS, TO PROVIDE THE CLASSIFICATION OF CERTAIN INDIVIDUALS AS EMPLOYEES UNDER CERTAIN CONDITIONS FOR

PURPOSES OF THE IDAHO TORT CLAIMS ACT, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1210, IDAHO CODE, TO REMOVE A REQUIREMENT THAT A CERTIFIED TRANSCRIPT OF THE BOARD'S RECORDS BE ADMISSIBLE IN EVIDENCE, TO PROVIDE THAT THE CERTIFIED MINUTES OF THE BOARD'S RECORDS BE ADMISSIBLE IN EVIDENCE, TO REMOVE A REQUIREMENT THAT THE BOARD SUBMIT TO THE GOVERNOR A COMPLETE YEARLY STATEMENT OF ITS RECEIPTS AND EXPENDITURES, ATTESTED BY AFFIDAVITS OF ITS CHAIRMAN AND SECRETARY, TO PROVIDE FOR THE BOARD TO SUBMIT TO THE GOVERNOR A SUMMARY YEARLY STATEMENT OF ITS RECEIPTS AND EXPENDITURES AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1211, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1212, IDAHO CODE, TO REMOVE A PROVISION PROVIDING THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE FOR REGISTRATION, TO PROVIDE THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE TO ASSIGNMENT TO AN EXAMINATION FOR LICENSURE OR CERTIFICATION, TO REVISE TERMINOLOGY, TO CLARIFY TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1212, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 125, LAWS OF 2002, AS AMENDED BY SECTION 2, CHAPTER 15, LAWS OF 2003, AS AMENDED BY SECTION 2, CHAPTER 84, LAWS OF 2004, TO REMOVE A PROVISION PROVIDING THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE FOR REGISTRATION, TO PROVIDE THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE TO ASSIGNMENT TO AN EXAMINATION FOR LICENSURE OR CERTIFICATION, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1213, IDAHO CODE, TO STRIKE LANGUAGE PROVIDING THAT APPLICATIONS FOR LICENSURE MUST SHOW THE APPLICANT'S TECHNICAL EXPERIENCE, TO REMOVE A PROVISION REQUIRING SEPARATE APPLICATION FEES, TO PROVIDE THAT IF A CERTIFICATE OR LICENSE IS DENIED, THE BOARD WILL RETAIN THE FEE PAID AS A PROCESSING FEE AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1214, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS THAT WARRANT ASSIGNMENT TO A SUBSEQUENT EXAMINATION IN THE EVENT AN EXAMINEE FAILS THE EXAMINATION FOR THE FIRST, SECOND, THIRD OR SUBSEQUENT TIME, TO REMOVE A PROVISION ALLOWING THE BOARD TO PUBLISH A BROCHURE OF SPECIFICATIONS FOR THE WRITTEN EXAMINATION, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1215, IDAHO CODE, TO REMOVE A PROVISION FOR THE ISSUANCE OF A CARD INDICATING THAT AN ENGINEER-IN-TRAINING'S OR A LAND SURVEYOR-IN-TRAINING'S NAME HAS BEEN RECORDED AS SUCH IN THE BOARD'S OFFICE, TO REVISE TERMINOLOGY, TO CLARIFY TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1216, IDAHO CODE, TO REMOVE A PROVISION FOR A MAXIMUM FEE FOR DELAYED RENEWAL FOR EACH

BIENNIUM DELINQUENCY, TO PROVIDE A MAXIMUM FEE FOR DELAYED RENEWAL FOR EACH RENEWAL CYCLE DELINQUENCY, TO REMOVE A PROVISION FOR THE REMOVAL OF AN ENGINEER-IN-TRAINING'S OR A LAND SURVEYOR-IN-TRAINING'S NAME FROM THE BOARD'S CURRENT LIST FOR FAILURE TO TIMELY MEET CERTIFICATE OF ENROLLMENT REQUIREMENTS, TO PROVIDE FOR THE REMOVAL OF AN ENGINEER INTERN'S OR LAND SURVEYOR INTERN'S NAME FROM THE BOARD'S MAILING LIST FOR FAILURE TO MEET CERTIFICATE RENEWAL REQUIREMENTS AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1218, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1219, IDAHO CODE, TO PROVIDE FOR THE WAIVING OF CERTAIN LICENSURE REQUIREMENTS FOR APPLICANTS WHO ARE LICENSED IN OTHER JURISDICTIONS AND WHO MEET CERTAIN CRITERIA AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1220, IDAHO CODE, TO REMOVE CERTAIN PROCEDURAL AND NOTICE REQUIREMENTS FOR A DISCIPLINARY HEARING, TO REVISE AN ADMINISTRATIVE PENALTY, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1221, IDAHO CODE, TO REMOVE A PROVISION FOR THE REPLACEMENT OF A CERTIFICATE SUBJECT TO THE RULES OF THE BOARD UPON PAYMENT OF THE ESTIMATED COST OF INVESTIGATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1222, IDAHO CODE, TO PROVIDE FOR THE ENFORCEMENT BY THE ATTORNEY GENERAL OF CHAPTER PROVISIONS RELATING TO UNLICENSED PRACTICE AND FOR THE PROSECUTION OF ANY UNLICENSED PERSON WITH REIMBURSEMENT BY THE BOARD TO THE ATTORNEY GENERAL FOR FEES AND EXPENSES INCURRED IN THAT PROSECUTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1223, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1225, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1227, IDAHO CODE, TO REVISE THE MINIMUM SIZE OF MONUMENTS, TO PROVIDE THAT SPECIFIED MONUMENTS MUST, IN THE ALTERNATIVE, BEAR A METAL CAP, TO PERMIT LICENSED PROFESSIONAL ENGINEERS TO PERFORM CERTAIN NONBOUNDARY SURVEYS AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1228, IDAHO CODE, TO REMOVE A PROVISION AUTHORIZING A PROFESSIONAL LAND SURVEYOR TO ADMINISTER OATHS TO ASSISTANTS FOR THE FAITHFUL PERFORMANCE OF DUTY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1230, IDAHO CODE, TO PROVIDE FOR THE RIGHT OF ENTRY FOR PRIVATE SURVEYING, TO PERMIT A PROPERLY LICENSED PROFESSIONAL LAND SURVEYOR AND HIS SUBORDINATES TO GO UPON OR ACROSS THE LAND OF OTHER PARTIES, WHEN NECESSARY TO CARRY OUT THE OBJECT OF EXISTING LAWS RELATIVE TO SURVEYS, WITHOUT BEING GUILTY OF TRESPASS, TO PROVIDE FOR LIABILITY FOR DAMAGE DONE UPON SUCH ENTRY AND TO PROVIDE PROCEDURES FOR WRITTEN NOTICE OF SUCH ENTRY; AMENDING SECTION 54-1231, IDAHO CODE, TO PROVIDE FOR THE ASSESSMENT OF DAMAGES FOR PRIVATE SURVEYING; AMENDING SECTION 54-1232,

IDAHO CODE, TO PROVIDE FOR THE TENDER OF DAMAGES FOR PRIVATE SURVEYING; AMENDING SECTION 54-1233, IDAHO CODE, TO PROVIDE FOR THE COST OF ASSESSMENT OF DAMAGES FOR PRIVATE SURVEYING; AMENDING SECTION 54-1234, IDAHO CODE, TO CORRECT A MISPELLED WORD, TO REMOVE A PROVISION DESIGNATING A BUILDING AS A PERMANENT BOUNDARY MARKER AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1235, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1236, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 55-1603, IDAHO CODE, TO REMOVE A DEFINITION, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1608, IDAHO CODE, TO REMOVE A PROVISION REQUIRING A PROFESSIONAL LAND SURVEYOR TO RECONSTRUCT OR REHABILITATE A CORNER RECORD MONUMENT AND ACCESSORIES TO SUCH CORNER TO MEET CERTAIN CRITERIA AND TO PROVIDE FOR A CODE REFERENCE; AMENDING SECTION 55-1612, IDAHO CODE, TO REMOVE PENALTIES FOR PROFESSIONAL ENGINEERS WHO PREPARE CERTAIN PLANS AND TO REMOVE CERTAIN PENALTIES FOR ANY PERSON WHO PREPARES CERTAIN PLANS WITH SPECIFIED RESULTS OR FAILINGS; AND AMENDING SECTION 55-1613, IDAHO CODE, TO REVISE PROCEDURE AND REQUIREMENTS FOR MONUMENTS WHICH MAY BE OR ARE DISTURBED BY CONSTRUCTION ACTIVITIES, TO REMOVE REFERENCE TO SUBDIVISION AND TRACT CORNERS AND TO CLARIFY TERMINOLOGY.

#### **HOUSE BILL NO. 381**

#### **BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

##### **AN ACT**

RELATING TO PROBATION AND PAROLE SUPERVISION; AMENDING SECTION 20-219, IDAHO CODE, TO REQUIRE ELECTRONIC MONITORING OF VIOLENT SEXUAL PREDATORS PLACED ON PROBATION OR PAROLE AND TO PROVIDE A PENALTY FOR UNLAWFUL INTERFERENCE WITH ANY ELECTRONIC MONITORING EQUIPMENT.

#### **HOUSE BILL NO. 382**

#### **BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

##### **AN ACT**

RELATING TO ADULT CRIMINAL SEX OFFENDERS AND ACCESS TO CHILDREN IN SCHOOL; AMENDING SECTION 18-8329, IDAHO CODE, TO CLARIFY RESTRICTIONS ON ADULT CRIMINAL SEX OFFENDERS' ACCESS TO CHILDREN IN SCHOOL BUILDINGS, ON SCHOOL GROUNDS AND PROPERTIES USED BY A SCHOOL, TO CLARIFY EXCEPTIONS TO PROHIBITED ACCESS AND TO PROVIDE ADDITIONAL EXCEPTIONS.

#### **HOUSE BILL NO. 383**

#### **BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

##### **AN ACT**

RELATING TO SEXUAL OFFENDERS; AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8330, IDAHO CODE, TO PROVIDE A PENALTY FOR THIRD PARTY ASSISTANCE TO SEXUAL

OFFENDERS ATTEMPTING TO AVOID SEXUAL OFFENDER REGISTRATION REQUIREMENTS AND TO PROVIDE AN EXCEPTION.

#### **HOUSE BILL NO. 384 BY EDUCATION COMMITTEE**

##### **AN ACT**

RELATING TO HIGHER EDUCATION FACILITIES; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 57, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE CREATION AND OPERATION OF THE HIGHER EDUCATION FACILITIES MATCHING FUND, TO REQUIRE CERTAIN MATCHING FUNDS BE RAISED FROM NONSTATE SOURCES, TO PROVIDE FOR THE APPROPRIATION AND USE OF THE FUND AND TO PROVIDE FOR RULEMAKING AUTHORITY; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 385 BY EDUCATION COMMITTEE**

##### **AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-2110B, IDAHO CODE, TO REVISE THE DEFINITION OF "RESIDENT STUDENT" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE THE DEFINITION OF "RESIDENT STUDENT."

**H 379, H 380, H 381, H 382, H 383, H 384** and **H 385** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

#### **Second Reading of Bills and Joint Resolutions**

**H 373** and **H 374**, by Appropriations Committee, were read the second time by title and filed for third reading.

**H 340, H 341, H 342, H 343, H 344, H 345, H 346, H 357** and **H 358**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**H 349**, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Moyle moved that the House adjourn until 11:30 a.m., Wednesday, January 23, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:45 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk